



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JAMES R HARTENBACH	Case Number: 08SL-CC01345	<b>SOP RECEIPT DATE</b>  <b>AUG 04 2010</b>  MO. DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION  (Date File Stamp)
Plaintiff/Petitioner: DEBORAH BRUMIT	Plaintiff's/Petitioner's Attorney/Address BRIAN STOKES 133 S 11TH STREET SUITE 350 vs. SAINT LOUIS, MO 63102	
Defendant/Respondent: MOHAWK CONTRACTING LLC	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

## Summons in Civil Case

The State of Missouri to: BURLINGTON INSURANCE COMPANY

Alias:

 MISSOURI DEPT OF INSURANCE  
 301 W HIGH ST, ROOM 530  
 JEFFERSON CITY, MO 65101

SERVE: JOHN M HUFF, DIRECTOR

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

23-JUL-2010

Date

  
Clerk

 Further Information:  
 KSA

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_

Signature of Sheriff or Server \_\_\_\_\_

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

EXHIBIT

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IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

DEBORAH BRUMIT,

Plaintiff,

vs.

MOHAWK CONTRACTING, LLC

and

BURLINGTON INSURANCE COMPANY

Serve:Missouri Department of Insurance

John M. Huff, Director

301 W. High St., Room 530

Jefferson City, MO 65101

SERVICE BY COLE COUNTY SHERIFF)

Defendants.

Cause No.: 08SL-CC1345-01

Division: 14

**FILED**  
DIV. JUL 19 2010 14  
JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

POST-JUDGMENT PETITION FOR EQUITABLE GARNISHMENT

For her Post-Judgment Petition for Equitable Garnishment against Defendant Burlington Insurance Company, plaintiff Deborah Brumit states as follows:

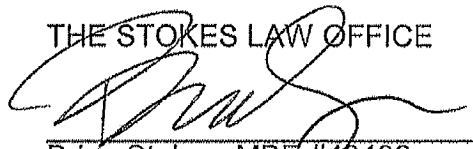
1. That Defendant Burlington Insurance Company is a foreign insurance company duly authorized to issue surplus lines of insurance pursuant to MO. Rev. Stat. §384.010, et seq. and service of the summons and petition herein is through the Missouri Director of Insurance.
2. That this action is brought pursuant to the provisions of Missouri Revised Statute 379.200.
3. That on the date on which this cause of action accrued, January 18, 2008, there was a policy of liability insurance issued to the Defendant Mohawk Contracting, LLC by Defendant Burlington Insurance Company; for general commercial liability which policy provided coverage for personal injury liability claim that resulted in a judgment in favor of Plaintiff and against Defendant Mohawk

Contracting, LLC on July 6, 2009.

4. That more than thirty (30) days have elapsed since the date of that judgment.
5. That the policy of insurance issued by Defendant Burlington Insurance Company to Defendant Mohawk Contracting, LLC was in full force and effect on the date in which Plaintiff Deborah Brumit sustained injury and on the date of the judgment entered herein.

WHEREFORE, Plaintiff Deborah Brumit prays for an Order of this Court to reach and apply the insurance monies available from Defendant Burlington Insurance Company for satisfaction of the judgment previously entered in favor of Plaintiff herein and against Defendant Mohawk Contracting, LLC.

THE STOKES LAW OFFICE



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Brian Stokes, MBE #43496  
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(314) 231-9552; Facsimile  
Attorneys For Plaintiff

## THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

### NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

#### Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

#### Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

#### Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

(3) **Early Neutral Evaluation ("ENE"):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) **Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) **Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the "trial", the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

#### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.